

Case No. 1:10-CV-2626
Gwin, J.

party's right to appeal the district court's judgment. Thomas v. Arn, 474 U.S. 140, 145 (1985); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court may adopt the magistrate judge's report without review. See Thomas, 474 U.S. at 149.

In this case, neither party has objected to the Magistrate Judge's recommendation. Moreover, having conducted its own review of the Report and Recommendation, record, and parties' briefs, the Court agrees with the recommendation of Magistrate Judge Burke that the Court reverse the Commissioner's decision and remand for further proceedings.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Burke's Report and Recommendation and incorporates it fully herein by reference. The Court therefore **REMANDS** this case to the Administrative Law Judge for further proceedings consistent with this opinion.

IT IS SO ORDERED.

Dated: March 5, 2012

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE